



Mitchell D. Haddad

Member



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Mitchell D. Haddad, a Member of the Sills Cummis & Gross Litigation Department, is Co-Chair of New York Real Estate Litigation. He is resident in the Firm's New York office. He focuses on complex real estate and commercial litigation, creditors' rights, workouts and corporate litigation. He has first chaired numerous trials, argued appeals and participated in arbitrations and mediations on a wide variety of matters. He works with clients and the Firm's Real Estate Department on transactions in order to resolve issues and disputes prior to and as a means to resolve potential litigation.

Mr. Haddad represents domestic and international companies, lenders, borrowers, real estate owners and developers, and commercial landlords and tenants. He prosecutes, defends and advises on complex commercial mortgage and UCC foreclosure actions, valuation proceedings, vendor-purchaser litigation, complex commercial landlord-tenant matters, Fair Housing Act and housing discrimination matters, not-for-profit and religious corporation transaction approval proceedings, zoning, title and land use issues, mechanic's lien litigation, and general commercial torts, partnership, joint venture and corporate litigation and matters involving real estate entities.

Since joining Sills Cummis & Gross in 2006, Mr. Haddad's major real estate related matters included defending an action seeking specific performance of a long-term lease for the development and operation of a midtown Manhattan hotel or, alternatively, \$100 million in damages. He obtained and collected upon a \$25 million deficiency judgment following a 12-day hearing. He obtained a \$95 million judgment and a \$45 million judgment in favor of two separate lenders, and defended a developer in an action to foreclose upon a \$17 million second mortgage encumbering an entire city block in Brooklyn, New York. Mr. Haddad was trial counsel and obtained a preliminary injunction in the Eastern District of the United States District Court enforcing a non-compete and non-disclosure agreement in connection with a failed corporate merger, which was upheld on appeal by the Second Circuit. Mr. Haddad obtained summary judgment dismissing claims seeking \$25 million in

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damages for breach of contract and fraud arising out of an oral joint venture agreement to develop real property, and successfully defended the Eastern Section of the United States Tennis Association in multiple state court proceedings to overturn an election of officers and directors.

Prior to joining Sills Cummis & Gross, Mr. Haddad spent thirteen years at Weil Gotshal & Manges LLP, where, among other major matters, he successfully led teams of attorneys foreclosing upon a portfolio of commercial mortgages on behalf of a leading international lender, and repossessing a jumbo jet in Miami, Florida leased by an international airline. He coordinated and supervised outside counsel in successfully liquidating more than twenty recycling facilities in nine states pursuant to an assignment for the benefit of creditors on behalf of a secured creditor. He represented a major international corporation in arbitration to determine the fair annual market rental value for the last five years of a multi-floor lease term, in which the arbitrator determined that the value was \$20 million less than the landlord had sought. Mr. Haddad succeeded at both the trial and appellate levels in a case in which the plaintiff sought – and was denied – various easements to a private park and a private street in lower Manhattan. He successfully led a team that obtained a judgment in excess of \$24 million arising out of a development in Boston, MA, and represented a consortium of institutional lenders in prosecuting the foreclosure of membership interests in a limited liability company that owned and operated a power generating facility in Connecticut.

Practices

Litigation

Real Estate

Court Admissions

U.S. District Court, Southern District of New York

U.S. District Court, Eastern District of New York

U.S. District Court, District of New Jersey

U.S. Court of Appeals, Second Circuit

Representative Decisions

850 Third Ave. Owner, LLC v. Discovery Communications, LLC, 205 A.D.3d 498 (1st Dep’t 2022)

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May 12, 2022

Baring Indus. v. 3 BP Prop. Owner LLC, 2022 U.S. Dist. LEXIS 8259 (S.D.N.Y. 2022)

January 15, 2022

255 Butler, LLC v. Boymelgreen, 179 A.D.3d 876 (2nd Dep't 2020)

January 22, 2020

Moltisanti v. East Riv. Hous. Corp., 149 A.D.3d 530 (1st Dep't 2017)

April 18, 2017

CF HY LLC v. Hudson Yards, Baruch Singer, et al., 124 A.D.3d 490, 998 N.Y.S.2d 301 (1st Dep't 2015), appeal dism., 26 N.Y.3d 945 (2015), reh. den., 26 N.Y.3d 1047 (2015), app. dism., 2016 LEXIS 1774 (N.Y. June 28, 2016)

June 28, 2016

Fortress Credit Corp. v. Hudson Yards, et al., 78 A.D.3d 577, 912 N.Y.S.2d 41 (1st Dep't 2010)

November 23, 2010

National Elevator Cab & Door Corp. v. H & B, Inc., 2008 U.S. App. Lexis 13644 (2d Cir. 2008)

June 27, 2008

Langotsky v. 537 Greenwich LLC, 45 A.D.3d 405 (1st Dep't 2007)

November 15, 2007

Amalgamated Dwellings, Inc. v. Hillman Hous. Corp., 33 A.D.3d 364 (1st Dep't 2006)

October 5, 2006

Elliott Assoc. L.P., v. Republic of Panama, 975 F. Supp. 332 (S.D.N.Y. 1997)

September 10, 1997

Washington Avenue Assoc. v. Euclid Equipment, Co., 229 A.D.2d 486, 645 N.Y.S.2d 511 (2d Dep't 1996)

July 15, 1996

[Newsroom](#)

Press Releases

Mitchell D. Haddad Named Co-Chair, New York Real Estate Litigation

January 3, 2017

Sills Cummis & Gross Represents the Zionist Organization of America in Sale of New York City Building for \$38+ Million

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May 20, 2016

In the News

Judge Dismisses Lawsuit Challenging Tennis Officials

The New York Times

September 19, 2006

Race Question Follows Suit Over Tennis Job

The New York Times

May 8, 2006

Presentations

24th Annual Commercial Real Estate Institute

Real Estate Litigation: A Toolkit for Transactional Lawyers

Practising Law Institute

November 7, 2022

23rd Annual Commercial Real Estate Institute

Real Estate Litigation: A Toolkit for Transactional Lawyers

Practising Law Institute

November 8, 2021

22nd Annual Commercial Real Estate Institute

Real Estate Litigation: A Toolkit for Transactional Lawyers

Practising Law Institute

November 16, 2020

21st Annual Commercial Real Estate Institute

Real Estate Litigation: A Toolkit for Transactional Lawyers

Practising Law Institute

November 18, 2019

20th Annual Commercial Real Estate Institute

Real Estate Litigation: A Toolkit for Transactional Lawyers

Practising Law Institute

December 3, 2018

19th Annual Commercial Real Estate Institute

Real Estate Litigation: A Toolkit for Transactional Lawyers

Practising Law Institute

December 4, 2017

18th Annual Commercial Real Estate Institute

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Real Estate Litigation: A Toolkit for Transactional Lawyers
Practising Law Institute
December 5, 2016

The Preliminary Battle: Provisional and Pre-Judgment Remedies & Strategies

The Practitioner's Guide to Provisional Pre-Judgment Remedies
ABA Section of Litigation Commercial and Business Litigation Committee
June 20, 2016

17th Annual Commercial Real Estate Institute

Real Estate Litigation: A Toolkit for Transactional Lawyers
Practising Law Institute
December 1, 2015

16th Annual Commercial Real Estate Institute

Real Estate Litigation: A Toolkit for Transactional Lawyers
Practising Law Institute
November 20, 2014

15th Annual Commercial Real Estate Institute

Real Estate Litigation: A Toolkit for Transactional Lawyers
Practising Law Institute
November 22, 2013

Commercial Real Estate Institute 2012

Real Estate Litigation: A Toolkit for Transactional Lawyers
Practising Law Institute
November 26, 2012

Facebook: Get the Picture, Discovery and Admission of Internet Evidence in Personal Injury Defense Litigation

Travelers Insurance
March 15, 2012

3rd Annual Bank and Financial Institutions Special Asset Executive Conference on Real Estate Workouts

Loan Modification Strategies (Stuart Glick) and A Special Asset Officers Guide to Cure Options: Lessons Learned for Loan: Documentation Deficiencies Including Avoiding Lender Liability (Mitchell Haddad)

IMN

March 12, 2012

Facebook: Get the Picture, Discovery and Admission of Internet Evidence in Personal Injury Defense Litigation

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January 31, 2012

Commercial Real Estate Institute 2011

Real Estate Litigation: A Toolkit for Transactional Lawyers

Practising Law Institute

November 29, 2011

Publications

Real Estate Litigation: A Toolkit for Transactional Lawyers

Practising Law Institute Publication (2011-2021)

November 8, 2021

Rankings and Recognition

Selected for inclusion in:

- *The Best Lawyers in America*®* 2022-2023, Commercial Litigation; Real Estate Law
- *New York Metro Super Lawyers*®* 2012-2022, Real Estate: Business; Business Litigation

* See [Award Methodology](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

Affiliations

Faculty Member, Practising Law Institute (2011 - present)

Member, Jewish Lawyers Guild

General Counsel, United States Tennis Association, Eastern Section (2007 and 2008)

Education

J.D., Brooklyn Law School

B.A., Queens College

Bar Admissions

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New York

New Jersey